

PLANNING BOARD MEETING
TIPP CITY, MIAMI COUNTY, OHIO March 9, 2010

Meeting

Chairman Mark Springer called the meeting of the Tipp City Planning Board to order at 7:30 p.m.

Roll Call

Roll call showed the following Board members present: John Berbach, Tina Davis Mike McFarland, Mark Springer, and Scott Brownlee.

Others in attendance: City Planner/Zoning Administrator Matt Spring and Board Secretary Marilyn Fennell. Paul Lee was present and reporter Nancy Bowman.

Approval of Minutes
January 12, 2010
Meeting

Mr. Berbach **moved to approve the minutes of the February 9, 2010 meeting as presented.** Mr. Brownlee seconded the motion. Motion passed 5-0.

Items not on the Agenda

There were no comments on items not on the agenda.

NEW BUSINESS
Deadline Dates

Mr. Springer announced the deadline for the April 13, 2010 meeting as follows: Preliminary Plans, Final Plats and Site Plans- March 22, 2010, 5:00pm.

Tipp City
Hardware, 910 W.
Main St., IL2024,-
Temporary Use

Mr. Spring explained that the Hardware Store is again requesting seasonal product display in front of their building. It would only be during business hours and be moved inside after business hours. There would be one or two pallets of merchandise such as topsoil. There have been similar requests over the past several years and there have been no complaints. Staff recommended approval with the following conditions:

- The pallets shall be displayed according to the approved site plan provided by the applicant.
- The seasonal merchandise shall not be displayed for more than 100 days; or the applicant shall seek Planning Board approval for any outdoor display of seasonal merchandise beyond June 18, 2010.

Mr. Springer asked for comments. Mr. Berbach said this business is well run and seems to follow the rules and he saw no issues with this request.

Mr. McFarland **moved to approve the request for a temporary use permit for Do It Best Hardware, 910 W. Main Street, for outdoor display of 1-2 pallets of merchandise for not more than 100 days or they come back and seek an extension.** Ms. Davis seconded the motion. Mr. Springer asked for further discussion; there was none. Motion passed 5-0.

City of Tipp City &
Allen Senseman, 3
tracts, E Main St.,
± 130.319 acres-

Mr. Spring said these tracts are currently in the annexation process (approved by the Miami County Commissioners on February 2, 2010 and in the 60-day waiting period). The 3 tracts are owned by the City-62.563 acres, Allen Senseman-12.619 acres, and again the City-

Interim Zoning

55.137 acres for a total of 130.319 acres. The current zoning is F1-Flood Plain (Miami County) and the proposed interim zoning is CD/FA/WP (Conservation District, Flood Hazard, and Well Field Protection). Code does require Planning Board to recommend an interim zoning designation for land prior to annexation. It needs to be classified as being whatever district most closely conforms to its current zoning. Based on the tentative timeline for a Type 1 annexation, staff anticipates that Planning Board will set a public hearing for permanent rezoning of this property at their May 11, 2010 meeting with the public hearing on June 8, 2010.

Staff recommended an interim zoning of CD/FA/WP-Conservation District/Flood Hazard/Well Field Protection Zoning District for these tracts.

Mr. Springer asked if CD could be a permanent zoning. Mr. Spring said it would be with the flood plain overlay. Mr. Spring explained that this area is in the aquifer area and the intention is to protect that zone. Mr. Berbach asked if there was to be an access road from Main Street into Kyle Park. Mr. Spring said he had no knowledge of those plans. Mr. Springer asked if this was the last piece of land east of town to the river that can be annexed. Mr. Spring said there was still some land that has not been annexed.

Mr. McFarland **moved to approve interim zoning of CD/FA/WP for the 3 tracts on E. Main Street.** Mr. Berbach seconded the motion. Mr. Springer asked for further comments. There were none. The motion passed 5-0.

Old Business

There was no Old Business to discuss.

Miscellaneous

Research/Review
Salvage
Yards/Impound Lot
uses

Mr. Springer said the Board had asked staff to do some research at the last Planning Board meeting on Salvage Yards and Impound Lots. Mr. Spring said he reviewed the Code for definitions, applicable zoning districts and any additional requirements.

He continued that there is a definition of Junk Yard in our code (§154.004) which states: "An establishment or place of business (other than an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes), which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed 90 days exclusively for storage, repair, or resale without alteration."

Mr. Spring continued with a proposed definition for Impound Yard: "A lot, parcel of land, structure, or part thereof utilized for the storage or parking of operating or non-operating vehicles including, but not limited to the storage of towed-away vehicles; or the long term storage of vehicles with consent of the owner."

He continued that "Impound Yard", being a new definition, is not mentioned as either a Permitted or Special Use in any zoning district. Staff notes that Code §154.122(B)(5) references specific guidelines for

the Special Use "Automobile wrecking and metal salvaging, sales and storage." However, "automobile wrecking and metal salvaging, sales and storage" is not specifically mentioned in Code as either a Permitted or Special Use in any zoning district.

Accordingly, staff recommends that Planning Board consider adding the following as Special Uses within the I-2 – General Industrial Zoning District:

- Impound Yard
- Automobile wrecking and metal salvaging, sales and storage

Staff recommends the I-2 – General Industrial Zoning District based upon the existing "*storage uses*" wording in Code §154.055(B)(2)(x) (General Industrial – Special Uses) which states:

Other manufacturing, processing, or storage uses determined by the Planning Board to be of the same general character as the permitted or special uses previously listed and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic, or noxious matter, or glare or heat...

Staff further recommends that both Junk Yards and Impound Yards be reviewed as Special Uses (the same as automobile wrecking and metal salvaging, sales and storage) based upon Code §§154.122(B)(5) which states:

5) Automobile wrecking and metal salvaging, sales and storage.

(a) Automobile wrecking and metal salvaging, sales and storage shall be effectively screened on all sides by means of a masonry wall or opaque fence not less than 6 feet high.

(b) Immediate access to a major thoroughfare shall be required.

(c) The site shall be a minimum distance of 600 feet from any property zoned for residential purposes.

Mr. Spring said that based upon these initial recommendations, staff has promulgated draft Code to adopt these modifications. Based upon Planning Board review and revision, the Board may wish to set a Public hearing for April 13, 2010 to formally consider these modifications.

Mr. Springer asked why I-2 zoning was targeted and would it cascade down to other zoning districts. Mr. Spring said the City's code is not a true pyramidal structured code. He said he recommended I-2 due to the nature of anything like a junk yard most likely to be the most offensive to neighboring uses.

Mr. McFarland said the current impound lot has a chain-link fence around it. He asked if it would be grandfathered in for any requirements. Mr. Spring said anything done by this Board or City Council would not affect any current use; it would be non-conforming. He added it was important to remember that the current code does not identify Impound Lots.

Mr. Berbach asked Mr. McFarland his thoughts as it was at his suggestion that this be further investigated. Mr. McFarland thought Mr.

Spring gave some definitions to uses that are not currently addressed. Mr. McFarland said if someone wished to establish a junk yard in the Northgate Commerce area, then there would be some guidelines. Mr. Berbach asked if the 600' distance from any residential area was appropriate.

Mr. Spring added that there is no Special Use listed for junk yards or impound lots. Mr. McFarland thought 600' was a bit excessive if you have an opaque screening/fencing. Mr. Spring said that is what is currently in code for a junk yard. Mr. Spring found several examples of similar setbacks from residential properties in other special use categories.

Mr. Brownlee said we don't have a junk yard currently. Mr. Springer said Mr. Spring's suggestion would be that impound lots follow the requirements that already in place for a junk yard. The other option would be to call out a new section. There was discussion about including junk yards and impound lots together. Mr. McFarland asked about the parking. Mr. Spring said that would not come under the Special Use section, but rather the Parking Requirement section, as with any other use. Parking always is based on the lot size, size of the building, number of employees, and/or the number of vehicles.

Mr. Spring said the Planning Board could recommend a change to the code and then City Council would have the ultimate decision. Ms. Davis asked about the current impound lot on S. Fifth Street. Mr. Springer said this discussion was due to the fact that there is no language regarding impound lots in the Code and Mr. McFarland wanted it looked at to avoid any future problems.

Mr. Springer asked for comments from the audience. Mr. Lee came forward. He stated that an impound lot is totally different from a junk yard. To add the requirements seems to be more than needed. A junk yard is already defined in the code. For autos not being dismantled they should not be considered as junkyards. Mr. Spring said it would be a separate use from a junk yard but its review as a Special Use would be the same. Mr. Spring said there could be specific items for a special use or there could be none. There was further discussion on the I-1D zoning district and the "catch-all" phrase that is used when there are not specific requirements. He went thru the scenario of what would be the process if Mr. Lee was to make such a request.

Mr. Berbach said he now thought the requirements should be different for an impound lot or maybe it was not even necessary to proceed with any new code. Mr. Spring asked the Board for their overall reaction to his report and did it need tweaking or corrected.

After some further discussion the Board agreed to give the matter more thought individually and discuss it next month. Mr. McFarland **moved to table the discussion until the April 13, 2010 meeting.** Mr. Berbach seconded the motion. Motion passed 5-0.

Ms. Davis volunteered for the May meetings and Mr. Berbach volunteered for June.

Mr. Berbach attended the February 16th meeting and there were

Reports:
Feb. 16, 2010- Mr.
Berbach

March 1, 2010- Mr.
Springer

Board member
comments

Adjournment

no specific matters pertaining to Planning Board. The two BZA cases that were appealed to City Council were tabled to the next meeting.

Mr. Springer reported that he, Messrs Berbach, McFarland, and Brownlee all attended. Two police vehicles were appropriated as outlined in the Capital Improvement Plan. The Holiday Inn sign appeal resulted in the City Council upholding the Board of Zoning Appeals' decision. The Gardens Alive ruling from Planning Board was appealed to the Board of Zoning Appeals; the BZA upheld the Planning Board; subsequently Gardens Alive appealed to City Council for a reversal of the Planning Board decision. City Council reaffirmed the Planning Board action. City Council was to discuss the sign code at their retreat on March 5th. Mr. Spring had no direction from that discussion from the City Manager or the City Council.

Mr. McFarland thanked Mr. Spring for his work on the discussion item. He asked Mr. Spring if there was a zoning designation for agricultural. Mr. Spring said the Conservation District,(CD) lists agricultural uses as a permitted use. Mr. Spring showed the Board on the Zoning Map the other areas that are zoned as Conservation District. Mr. McFarland raised the problem of parking requirements in an agricultural zone. Mr. Springer reminded the Board that the Gardens Alive location is zoned as Light Industrial, it is an agricultural business in a Light Industrial as a Special Use.

Mr. McFarland asked if the City was going to further fight the Warrior Racing mural. Mr. Spring said he had no further information on that matter.

Mr. Spring said he wasn't sure what the Board was looking for on Agricultural zones. The code has the Conservation District. The parking code is driven by square footage of the building, the number of employees, and so many vehicles.

Mr. Brownlee said he saw some work that needed to be done on the sign code. The owner of the motel said he has put a \$6 million investment up and cannot put up a sign. He didn't think the City was being "business-friendly". Mr. Spring said that would be a direction from Council that the Board would proceed with any changes to the code to increase the square footage for highway signs. Mr. Spring reminded all that there is already 3 approved signs for the motel. One on Main Street and two on the building. Mr. Springer said the changes to the sign code that the Board originally recommended in 2003 to City Council was amended by the City Council at that time.

Mr. Springer said he believed that Planning Board is not anti-business and takes exception to any comments as such. He said this Board has a Code to follow and it cannot just be thrown aside.

There were no further comments. Mr. McFarland moved that the meeting be adjourned. Mr. Berbach seconded the motion. Chairman Springer declared the meeting adjourned at 8:39 pm.

Mark Springer, Planning Board Chairman

Attest: _____
Marilyn Fennell, Board Secretary